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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Application of

UHURU COMMUNICATIONS, INC.

For Renewal of License
of Station WICO-FM
Binghamton, New York

and

WSKG PUBLIC
TELECOMMUNICATIONS COUNCIL

For a Construction Permit
for a New FM Station
Binghamton, New York

ARROWHEAD CHRISTIAN
CENTER

For a Construction Permit
for a New FM Station
Binghamton, New York

TO: Administrative Law Judge
Arthur I. Steinberg

) MM DOCKET NO. 92-116

) File No. BRED-910230WF

ORIGINAL
FILE

) File No. BPED-910501MB

) File No. BPED-910501MC

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FEDERAL COMMUNICATIONS COMMISSION
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**OPPOSITION TO MOTION FOR
POSTPONEMENT OF PROCEDURAL DATES**

WSKG Public Telecommunications Council ("WSKG"), by its attorneys and pursuant to Sections 1.205 and 1.294 of the Commission's Rules, opposes the "Motion for Postponement of Procedural Dates" ("Motion") filed by Uhuru Communications, Inc. ("Uhuru"). While WSKG regrets the unfortunate accident that befell Mr. Lorenza Butler, WSKG

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respectfully submits that Uhuru has not shown good cause for its proposed postponement.^{1/} WSKG further submits that the public interest will not be served by delay in resolution of the issues in this proceeding because, in the meantime, Channel 218A in Binghamton, New York is not being used to provide service to the public.

First, Uhuru has had ample time to marshal assistance for its renewal challenge. As early as May 1, 1992, over thirteen months ago, WSKG's application was filed with the Commission and Uhuru was put on notice that other applicants sought to return its unused frequency to public service. Moreover, the unrebutted petition to deny Uhuru's renewal application, filed by WSKG on May 1, 1992, made Uhuru aware of the serious nature of the issues confronting its renewal.^{2/} Uhuru can hardly claim the Hearing Designation Order took it by surprise.^{3/} By its own admission, Mr. Butler was retained in September 1991, over ten months ago, to "assist with the comparative renewal hearing before the FCC and to assist in arranging financing to get the station back on the air."

Declaration of Lorenza Butler. Well before Mr. Butler's May 6, 1992

1/ In fact, WSKG is not sure of what dates Uhuru seeks to postpone. Other than the Environmental Assessment, already past due, Uhuru mentions no specific deadlines that it seeks to avoid.

2/ WSKG's Petition to Deny ("Petition") is a matter of record in this proceeding because it comprises part of Uhuru's renewal materials. WSKG is providing the Presiding Officer a courtesy copy of the Petition for convenience.

3/ A Motion for Extension of Time, signed by Gladys Cordeaux, and filed by Uhuru in response to WSKG's Petition to Deny, states that: "A comparative hearing is expected." (Emphasis added.) See Attachment 1.

accident, Uhuru had more than sufficient time to formulate its strategy, arrange financing and engage legal counsel for this proceeding.

Second, while Uhuru's Motion suggests that its counsel lacks familiarity with this case, it notes that its counsel, James L. Winston, has been involved with this licensee since at least September 1991, when he filed an interim ownership report apprising the Commission of Mr. Butler's succession to Uhuru's presidency. If Uhuru did not seek his advice in September of 1991, when it knew a comparative hearing loomed in its future (and almost nine months before Mr. Butler's May 6, 1992 accident), that hardly constitutes good cause for delay now.

Third, the procedural deadlines in the next few weeks obviously do not necessarily require Mr. Butler's participation. The Environmental Assessment required in the HDO is a technical matter requiring engineering assistance. Moreover, the issues designated in the HDO largely address matters from its previous license term -- June 1, 1984 to June 1, 1991 -- well before Mr. Butler's tenure as Uhuru's President. Uhuru makes no showing as to the unavailability of Gladys Cordeaux or other members of the Uhuru governing board, past or present, nor shows why legal counsel could not be retained between May 1991, when its competitors appeared, and the present.

Since June 1, 1990, when Uhuru went off-air, the people of Binghamton, New York have been without a station designed specifically to meet the needs of its diverse minority population. In the wake of the gap left by Uhuru's long silence, WSKG, a seasoned and successful public

broadcaster, stands ready to address the needs of the community and provide unique programming devised for unserved and underserved audiences, including minorities and multi-cultural listeners. Given the Commission's express desire to revise the comparative hearing system so that the public will receive the benefits of adjudication more rapidly, Notice of Proposed Rulemaking In the Matter of Reexamination of the Policy Statement on Comparative Broadcast Hearings, FCC 92-98, Mimeo 38361, in GC Docket No. 92-52, released April 10, 1992, any further delay in returning this unused frequency to productive service is inappropriate.

For all of these reasons, Uhuru has not shown good cause for its Motion. Thus, WSKG requests that Uhuru's Motion for Postponement of Procedural Dates be denied and that the preliminary stages of this comparative hearing proceed without delay.^{4/}

Respectfully submitted,

WSKG PUBLIC TELECOMMUNICATIONS
COUNCIL

By Todd D. Gray
Richard D. Marks
Todd D. Gray
Margaret L. Miller

DOW, LOHNES & ALBERTSON
1255 Twenty-third Street, N.W.
Suite 500
Washington, D.C. 20037
(202) 857-2500

Its Attorneys

July 9, 1992

^{4/} In the event the Motion is granted, fairness dictates and WSKG requests that the other parties in the case be subject to the same procedural deadlines as Uhuru.

Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In re Application of:)
)
UHURU COMMUNICATIONS, INC.)
Binghamton, New York)
)
For Renewal of License for)
WUCI-FM, Binghamton, NY)
)
To: Chief, Mass Media Bureau

File No. BRED-910130WF

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

MOTION FOR EXTENSION OF TIME

Uhuru Communications, Inc. ("Uhuru"), licensee of non-commercial educational FM Broadcast Station WUCI-FM, Binghamton, New York, herewith requests a further extension of time to oppose petitions to deny filed against the renewal application by WSKG Public Telecommunications Council ("WSKG") and by David A. Martin, Executive Director of Arrowhead Ministries, Inc. ("Arrowhead"). In support, the following is shown:

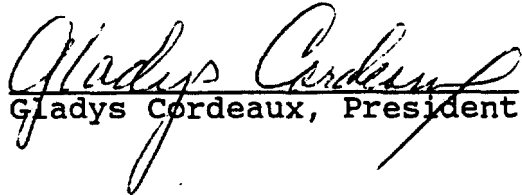
1. Both petitions to deny are lengthy and quite detailed. In order to prepare appropriate responses to the various allegations additional time is required. A comparative hearing is expected.

2. Furthermore, Uhuru has not yet been able to retain counsel to assist it in connection with not only the opposition to the petitions to deny, but also in connection with that expected comparative hearing.

WHEREFORE, Uhuru requests that the time to oppose the
petitions to deny be extended to and including August 1, 1991.

Respectfully submitted,

UHURU COMMUNICATIONS, INC.

By: 
Gladys Cordeaux, President

July 7, 1991

Ely Park V-2
Binghamton, New York 13905

34662 MOTEXT:441

CERTIFICATE OF SERVICE

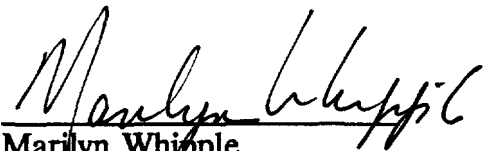
I, Marilyn Whipple, secretary in the law firm of Dow, Lohnes & Albertson, do hereby certify that the foregoing "OPPOSITION TO MOTION FOR POSTPONEMENT OF PROCEDURAL DATES" was served by hand-delivery, this 9th day of July, 1992, to the following:

- * The Honorable Arthur I. Steinberg
 Administrative Law Judge
 2000 L Street, N.W., Room 214
 Washington, D.C. 20054

- * Robert A. Zauner, Esq.
 Chief, Enforcement Division
 Mass Media Bureau
 Federal Communications Commission
 2025 M Street, N.W., Room 7212
 Washington, D.C. 20054

- * James L. Winston, Esq.
 Rubin, Winston, Diercks,
 Harris & Cooke
 1730 M Street, N.W., Suite 412
 Washington, D.C. 20036
 Attorney for Uhuru Communications, Inc.

- * William H. Crispin, Esq.
 Verner, Lipfert, Bernhard, McPherson and Hand
 901 15th Street, N.W., Suite 700
 Washington, D.C. 20005-2301
 Attorney for Arrowhead Christian Center


Marilyn Whipple

- * ALL HAND DELIVERED